

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name Ventura Robert Elias  
 (Last) (First) (Initial)

Prisoner Number V-80485

Institutional Address CSP-CORCORAN SHU. P.O. Box 3476 CORCORAN CA 93212

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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Robert Ventura  
 (Enter the full name of plaintiff in this action.)

vs.

DARREL ADAMS  
State of CALIFORNIA

(Enter the full name of respondent(s) or jailor in this action)

Case No. CV 08 1708  
 (To be provided by the clerk of court)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**

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Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

- 12 (a) Name and location of court that imposed sentence (for example; Alameda  
13 County Superior Court, Oakland):

14 Superior Court Santa Clara County

15 Court Location

- 16 (b) Case number, if known CC455119

- 17 (c) Date and terms of sentence MAY 11, 2005 ; 20 YEARS

- 18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
19 parole or probation, etc.) Yes X No

20 Where? CORCORAN STATE PRISON SHU.

21 Name of Institution: CSP - CORCORAN SHU.

22 Address: P.O. BOX 3476 CORCORAN CA 93212

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
25 challenging more than one sentence, you should file a different petition for each sentence.)

26 PC § 245(A)(1); PC § 148(A)(1); PC § 667/1192-2; PC § 667(A) X 2;  
27 PC § 667.5(A) PC § 667.5(b)

28 SEE EXHIBIT

3. Did you have any of the following?

Arraignment: Yes ☒ No ☐

Preliminary Hearing: Yes ☒ No ☐

Motion to Suppress: Yes ☐ No ☒

4. How did you plead?

Guilty ☒ Not Guilty ☐ Nolo Contendere ☐

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury ☐ Judge alone ☒ Judge alone on a transcript ☐

6. Did you testify at your trial? Yes ☐ No ☒

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes ☒ No ☐

(b) Preliminary hearing Yes ☒ No ☐

(c) Time of plea Yes ☒ No ☐

(d) Trial Yes ☒ No ☐

(e) Sentencing Yes ☒ No ☐

(f) Appeal Yes ☐ No ☒

(g) Other post-conviction proceeding Yes ☐ No ☒

8. Did you appeal your conviction? Yes ☒ No ☐

(a) If you did, to what court(s) did you appeal?

Court of Appeal Sixth Appellate Yes ☒ No ☐

Year: 1-8-2008 Result: Denied

Supreme Court of California Yes ☒ No ☐

Year: 3-12-2008 Result: Denied

Any other court Superior Court Yes ☒ No ☐

Santa Clara County.

Year: 10-3-2007 Result: Denied

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes X No       

(c) Was there an opinion? Yes X No       

(d) Did you seek permission to file a late appeal under Rule 31(a)?  
Yes X No       

If you did, give the name of the court and the result:

Santa Clara County Superior Court

Denied.

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes X No       

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Superior Court of Calif. County of Santa Clara

Type of Proceeding: Motion For Counsel, AND Transcripts

Grounds raised (Be brief but specific):

2. MARDEN  
HEARING.

CC 455119 / AND

Violation - Prior

PLEA BARGAINING.

NO. 117912, NO. 128369

a. TRIAL COURT VIOLATED Due Process For Breach of Prior Plea Agreement

b. INEFFECTIVE Assistance of Counsel, Failure to Review RPD STATE.

c. TRIAL COURT Imposed illegal enhancement, Prior Plea Agreement.

d. Waived His Constitutional Right Not Knowing or Understanding

Result: Denied Date of Result: 12-26-07

II. Name of Court: Sixth Appellate Court

Type of Proceeding: Motion For Counsel; Transcripts; Extension

Grounds raised (Be brief but specific):

1 2 Marsden Hearing  
No. CC455119.

2 Violation Plea Bargain  
No. 117912; No. 128369

a. SAME AS ABOVE, AND HEZIN

b. petition.

c. AND TRANSCRIPTS ON TWO MARSDEN HEARING CASE NO.

d. CC455119;

Result: DENIED JANUARY 8, 2008 Date of Result: 1-9-2008

III. Name of Court: SUPREME COURT OF CALIFORNIA

Type of Proceeding: REQUEST TRANSCRIPTS, FOR COUNSEL, EVIDENTIARY

Grounds raised (Be brief but specific):

a. TRIAL COURT VIOLATED DUE PROCESS FOR BREACH OF PRIOR PLEA AGREEMENT

b. INEFFECTIVE ASSISTANCE OF COUNSEL, FAILURE TO REVIEW PROS. STATE.

c. TRIAL COURT IMPOSED ILLEGAL ENHANCEMENT, PRIOR PLEA BARGAIN AGREEMENT 1989 CASE.

d. WAIVED HIS CONSTITUTIONAL RIGHT NOT KNOWING OR UNDERSTANDING

Result: DENIED Date of Result: MARCH 12, 2008

IV. Name of Court: \_\_\_\_\_

Type of Proceeding: \_\_\_\_\_

Grounds raised (Be brief but specific):

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

Yes X No \_\_\_\_\_

Name and location of court: IN THE SUPREME COURT OF CALIFORNIA; No S162926

## B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

Continue From 13.C

EXHIBIT A\*

CASE No. CC455119\*

SUPERIOR COURT in Santa Clara County.

1	1	Request For Evidentiary Hearing	7-12-2007
2	2	Request For Counsel	2-12-2007
3	3	Request For Transcripts	Denied — 12-26-2007
4	4	Petition Denied	10-1-2007

SIXTH APPELLATE COURT CASE No. H032325 /  
EXHIBIT B# CC455119.

9	1	Request For 100 DAY Extension	JAN 9. 2008
10	2	Request For Appointment OF Counsel	" "
11	3	THE Petition For Writ OF HABEAS CORPUS	Denied JAN. 8. 2008
12	4	Request For Transcripts	

SUPREME COURT OF CALIFORNIA.  
EXHIBIT C.

CASE No. H032325 /  
S160550

17		Request For Transcripts	MARCH 7, 2008
18		Request For Appointment OF Counsel.	FEBRUARY 25, 2008.
19		Request For Evidentiary Hearing	(RECEIVED ON MARCH 3, 2008.)
20		Petition Denied	MARCH 12. 2008.

NORTHERN DISTRICT OF CALIFORNIA Case No. CV 08-  
1708

23	1	Notice OF APPEAL	MARCH 21. 2008
24	2	Request For Appointment OF Counsel.	MARCH 28, 2008

Continue From  
Page Six OF Six



1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 1) Claim One: Trial Court Violated Due Process For Breach of Prior Plea Agreements;  
6 Under the Fourteenth Amendment to the United States Constitution  
7 Supporting Facts: Trial Court Abused its Discretion When it Violated due Process and  
8 Guarantee And Terms of Prior 1989 Negotiated Plea Agreements, which did  
9 not inform As Part of the Plea He Could Face, Enhancement of 1 to 5 Years Added For  
10 Any Future Felony, Case No. 117912 And 128369, Santa Clara County.

11 2) Claim Two: Ineffective Assistance of Counsel Failure to Review Plea Offer,  
12 3) Trial Court Imposed illegal enhancement.

13 Supporting Facts: Ineffective Assistance of Counsel Refuse to take a Plea Offer of  
14 6 Years, And Investigate Prior Strikes, And "Plea Bargains";  
15 Case No. CC455119\* Santa Clara County.

16  
17 4) Claim Three: Petitioner Waived His Constitutional Rights Not Knowing his Rights or  
18 Understanding, due to Ineffective Assistance of Counsel Violation his Sixth And  
19 Fourteenth Amendment.  
20 Supporting Facts:

21 Petitioner Was denied two Marsden Hearing, Because Ineffective Assistance  
22 of Counsel With Refuse to Investigate in Petitioner's Case, And  
23 Abandonment, Case No. CC455119 in Santa Clara County.

24 If any of these grounds was not previously presented to any other court, state briefly which  
25 grounds were not presented and why: Petitioner was Denied Transcripts in all state  
26 Courts, in order to Support More Claims, And Exercise Through  
27 Due Diligence on Additional Grounds.

28 SEE Appendix C. A

Appendix C. A#

1 Petitioner knew his own criminal history but was ignorant of  
2 the Campos Rule i.e. that the three strike law permitted charging  
3 as separate strike multiple counts arising in a single prior case,  
4 nor seeking specific performance provision of those terms of  
5 the 1989 plea agreements, in order to limit the enhancement.  
6 The prosecutor knew petitioner had suffered convictions for  
7 multiple counts of felony in a single prior case. see attached  
8 hereto Exhibit A.  
9 The prosecutor possessed petitioner's rap sheet that reflected  
10 multiple felonies count convictions. Like petitioner, however,  
11 the prosecutor did not understand the rule of (Campos) for  
12 this reason. In May 31, 2004 criminal complaints, the  
13 prosecutor alleged only two "strike", namely, that petitioner  
14 was on or about 1989 convicted of the crime of discharge of  
15 a firearm at inhabited dwelling section 246 of the penal  
16 code at Santa Clara County case no# 117912 and burglary,  
17 section 459 / 460.2 of the penal code, Santa Clara -  
18 County case no. #128369..  
19 The prosecutor then offered a plea bargain that would have  
20 permitted petitioner to plea guilty in return for a sentence  
21 of 6 years.. The prosecutor later revised his offer to  
22 49 years to life.  
23 In contrast to the prosecutor's mistake, the failure of  
24 petitioner's counsel to appreciate his client's potential  
25 three strikes exposure did not stem from a  
26 misunderstanding of the law. Rather, her failure  
27 stemmed from lack of fact investigation and mistaken  
28 assumptions regarding petitioner's criminal history,



1 Such AS Prior's ON FEBRUARY 9, 1995. ROBBERY, SECTION 211/2125B  
2 OF THE PENAL CODE, CONTRA COSTA COUNTY, CASE NO# 3-163856-8  
3 AND ARSON, SECTION 451(b) OF THE PENAL CODE, CONTRA COSTA  
4 COUNTY, CASE # 3-163856-8

5 WHEN Petitioner's COUNSEL met WITH THE PROSECUTOR to discuss  
6 Plea BARGAINING, Petitioner's COUNSEL Had NO Knowledge  
7 OF Petitioner's Prior CRIMINAL Record, Except to the Extent  
8 THE Prior Record MIGHT Have BEEN Reflected IN THE CRIMINAL  
9 COMPLAINT.

10 Petitioner's COUNSEL Had NOT Yet met WITH Petitioner.

11 Petitioner's COUNSEL did NOT HAVE Petitioner's RAP Sheet OR  
12 make ANY Attempt to obtain THE RAP Sheet.

13 Petitioner's COUNSEL knew THAT a Look AT Petitioner's RAP-  
14 Sheet WAS Hers FOR THE ASKING (ASKING OF THE PROSECUTOR,)

15 THAT IS, BUT Petitioner's COUNSEL did NOT ASK. With

16 VIRTUALLY NO Knowledge OF Petitioner's Prior Record,

17 Petitioner's COUNSEL DECided THE CASE WAS "WORTH" 36

18 MONTHS OR ABle to WIN THE CASE.. SHE SO ADVISED THE

19 PROSECUTOR AND Later, Petitioner.

20 However Petitioner Pleaded to take THE Deal, BUT

21 COUNSEL REjected THE Petitioner ARGUMENT- AND

22 ONCE COUNSEL Reviewed AND Discovered THAT THE

23 Petitioner WAS A THREE Striker, SHE Immediately ABandonment

24 THE Petitioner's CASE.

25 AT ALL material times, Petitioner COUNSEL Understood the

26 Vital Importance OF determining AT the EarLIest Possible

27 stage OF Plea discussions WHETHER A Given CASE had ANY

28 Potential to Be CHARGed AS A Three Striker Case.

1 SHE KNEW THAT SANTA CLARA COUNTY DISTRICT ATTORNEY'S  
2 OFFICE TREATED POTENTIAL THREE STRIKES CASES DIFFERENTLY  
3 FOR PLEA BARGAINING PURPOSES THAT IT TREATED ALL OTHER  
4 CASES. IN POTENTIAL THREE STRIKE CASES, THE OFFICES  
5 PRE-~~PRELIMINARY HEARING~~ PLEA OFFERS TYPICALLY WERE  
6 THE BEST OFFER EVER TO BE MADE TO THE DEFENDANT  
7 AND PETITIONER'S COUNSEL KNEW IT WAS NOT UNUSUAL FOR  
8 THE OFFICE TO ADD INTO A SUPERSEDING INFORMATION  
9 CHARGES THAT HAD NOT BEEN ALLEGED IN THE ORIGINAL COMPLAINT.  
10 THE STATE'S PLEA OFFER TO PETITIONER CEASED TO BE OPEN AT THE  
11 TIME OF THE PRELIMINARY HEARING... PRIOR TO THAT TIME PETITIONER'S  
12 COUNSEL MET WITH PETITIONER FOR ONLY A FEW MINUTES.  
13 PETITIONER'S COUNSEL SHOWED PETITIONER THE COMPLAINT AND ASKED  
14 PETITIONER IF, AS ALLEGED, HE HAD BEEN CONVICTED OF ARSON  
15 AND ROBBERY FEBRUARY 9, 1995.. PETITIONER RESPONDED "YES"  
16 BUT ON A CONTRACT PLEA AGREEMENTS.. PETITIONER'S COUNSEL  
17 ASKED PETITIONER IF HE HAD ANY "OTHER" PRIORS SERIOUS OR  
18 VIOLENT SOLONY CONVICTIONS - PETITIONER SAID "YES" -  
19 1989 DISCHARGE OF A FIRE ARM - AT INHABITED - DWELLING  
20 AND BURGLARY - AND ALSO ON A CONTRACT PLEA AGREEMENT.  
21 PETITIONER SAID HE HOPED TO GET THIS PRIOR CASE SET ASIDE  
22 PETITIONER GAVE HIS COUNSEL THE NAME OF AN ATTORNEY  
23 FAMILIAR WITH THIS PRIOR CASE. PETITIONER'S COUNSEL WROTE  
24 DOWN HER INTENT TO CALL THIS ATTORNEY, BUT FAILED EVER  
25 TO DO SO.. UNLIKE THE PROSECUTOR, AND UNLIKE PETITIONER,  
26 COUNSEL KNEW A SINGLE PRIOR CASE INVOLVING MULTIPLE  
27 COUNTS COULD SUPPORT MULTIPLE STRIKES.  
28 YET, PETITIONER COUNSEL DID NOT INQUIRE OR INVESTIGATE

1 INTO THE DETAILS OF THE PRIOR 1995 CASE ARSON AND ROBBERY  
2 FROM CONTRA COSTA COUNTY CASE NO# 3-163856-8 AND  
3 DID NOT ASK WHETHER THE CASE HAD INVOLVED MORE THAN ONE  
4 COUNT - NOR INVESTIGATE INTO THE 1989 CASE.. FROM  
5 SANTA CLARA COUNTY CASE 117912 AND CASE NO# 128369  
6 INSTEAD, PETITIONER'S COUNSEL ASSUMED IN CORRECTLY THAT  
7 PETITIONER'S CASE HAD INVOLVED ONLY ONE COUNT.  
8 PETITIONER'S COUNSEL TOLD PETITIONER HIS MAXIMUM EXPOSURE  
9 WAS 10 YEARS.. PETITIONER'S COUNSEL CONVEYED TO PETITIONER  
10 THE PLEA OFFER OF SIX YEARS AND COUNSEL'S ASSESSMENT  
11 THAT THE CASE MERITED ONLY 36 MONTHS AND ALSO EASY  
12 WIN THE CASE. PETITIONER'S COUNSEL ALSO TOLD PETITIONER  
13 SHE THOUGHT, SHE SHOULD WAIT FOR A BETTER OFFER.  
14 PETITIONER, WHO WANTED TO ACCEPT THE FIRST OFFER OF 6  
15 YEARS, BUT REQUIRING AN ADMISSION TO A PRIOR  
16 CONVICTION - 1989 CASE, AS TO WHICH PETITIONER STILL  
17 CLAIMED INNOCENCE.. BUT FOLLOWED HIS COUNSEL'S ADVICE  
18 TO REJECT THE PLEA OFFER AND WAIT FOR A BETTER  
19 DEAL.. A BETTER DEAL NEVER CAME.. AS OF THE 2004,  
20 SHORTLY BEFORE THE PRELIMINARY HEARING CASE NO#  
21 CC 455119. SANTA CLARA COUNTY SUPERIOR COURT.  
22 THE PROSECUTOR WAS OF A MIND TO ATTEMPT TO ENSURE  
23 THAT PETITIONER RECEIVE "EVERY CONCEIVABLE AMOUNT OF  
24 OF THE TIME THAT HE SO RICHLY DESERVES ON PETITIONER'S  
25 NEXT TRIP TO STATE PRISONS".  
26 SHORTLY - BEFORE THE PRELIMINARY HEARING, THE PROSECUTOR'S  
27 OFFICE REALIZED IT COULD CHARGE PETITIONER'S CASE AS A  
28 THREE STRIKE'S CASE AND DID SO.

1 AFTER RECEIVING NOTICE THAT HE FACED 49 YEARS TO LIFE, AND  
2 AFTER RECEIVING SUBSTITUTE COUNSEL, PETITIONER SOUGHT  
3 TO RECAPTURE THE LOST PLEA OPPORTUNITY, BUT THE  
4 SUBSTITUTE COUNSEL REFUSE TO ASSIST TO LOST PLEA  
5 OPPORTUNITY.

6 THE SECOND SUBSTITUTE COUNSEL - REFUSE TO INVESTIGATE  
7 INTO PRIOR PLEA BARGAINS, OR THE NATURE OF PETITIONER'S  
8 CASE. PETITIONER SECOND SUBSTITUTE COUNSEL ALSO —  
9 ABANDONMENT PETITIONER'S CASE.

10 THE THIRD SUBSTITUTE COUNSEL MR. CASEY CLIFT FROM  
11 PUBLIC DEFENDER'S DEPT. ALSO TOTAL FAILURE TO  
12 PREPARE INTO THE PETITIONER'S CASE OR APPRECIATE  
13 EVIDENCE.

14 ACCORDLY TO THE VICTIM IRENE RODRIGUEZ AND  
15 THE VICTIM'S SISTER, YOLANDA - WITNESS IN THE  
16 CASE AND VICTIM'S MOTHER, THE DEFENSE COUNSEL  
17 MR. CASEY CLIFT WAS SHARING INFORMATION WITH  
18 PROSECUTION MR. BEHRENS., AND THE PETITIONER'S  
19 COUNSEL EXPLAINED TO THE VICTIM IRENE RODRIGUEZ  
20 AND THE VICTIM'S FAMILY, THAT THEY WILL CONVICT  
21 THE PETITIONER'S IN EVERY CONCEIVABLE WAY.

22 THE VICTIM IRENE RODRIGUEZ AND THE VICTIM'S FAMILY  
23 AND THE WITNESSES IN THE PETITIONER'S CASE WAS  
24 TRYING TO HELP THE PETITIONER IN EVERY WAY TO GET  
25 ALL CHARGES DROPPED AGAINST PETITIONER.

26 BUT THE PETITIONER'S COUNSEL MR. CASEY CLIFT AND  
27 PETITIONER RELATIONSHIP BECAME SO EMBROILED IN  
28 SUCH AN IRRECONCILABLE CONFLICT THAT INEFFECTIVE

1 Representation Prejudiced The Petitioner Being Adequately  
2 Represented By His Current Counsel, The Petitioner's Counsel  
3 Failure to take statements from ALL 242- Witnesses in Petitioner's  
4 Case OR Police Officer's Statements, Hospital Statements AND Petitioner's  
5 Statements AND D.N.A Testing.

6 On January 24, 2005, The Defense Counsel, Exposed The Petitioner  
7 to 49 Years to Life; Insofar As Counsel Failed to Prepare Any Witness  
8 OR to Consult to Petitioner How The United States Sentencing  
9 Guide Lines OR Seeking SPECIFIC Performance one Plea - Bargain  
10 OR Conduct Any Investigation On Petitioner's RAP Sheet -  
11 WAS OBJECTIVELY UNREASONABLE AND THERE WAS A REASONABLE  
12 Probability THAT THE Outcome OF THE Penalty Phase OF Petitioner  
13 Trial Would Have Been Different, Because He Did Not Understand  
14 His Constitutional Rights AT THE Time.  
15 When The Defense Counsel, Coercion AND Persuade THE  
16 Petitioner's Plea AND OR Admission OF Serious Felony  
17 Allegation AND Strike Priors, Serious Felony Priors, By Waiver  
18 OF His Constitutional Rights AND Rights to Jury AND Rights to  
19 Confront AND Cross Examine Witnesses AND Rights to  
20 Present Evidence ON OWN BEHALF AND WAIVERS Privilege AGAINST  
21 SELF-INCRIMINATION... AT THE Time, THE Plea WAS NOT  
22 KNOWING AND UNDERSTANDING His Constitutional Rights OR THE  
23 Nature OF CHARGES AND CONSEQUENCES OF Plea...  
24 THE Petitioner WAS Prejudiced By Counsel's Unfamiliarity  
25 With Sentencing Guide Lines AND Failure to Challenge  
26 Prosecutions Breach OF Plea Agreements in Petitioner's 1989  
27 Case's No# 117912 AND #128369 From Santa Clara County.  
28 THE Alternatively TRIAL Counsel in THIS New Case WAS



1 Ineffective For Not Seeking Specific Performance Of The Prior-  
 2 Plea Agreements to Limit the Enhancements. The Trial Court  
 3 Also Abused its Discretion When it Violated Due Process -  
 4 Guarantees And Terms Of Prior 1989 Negotiated Plea -  
 5 Agreements Which did not Inform Petitioner As Part  
 6 Of The Plea He Could Face Enhancements Of 1 to 5 Years  
 7 Added For Any future Felony... By Allowing Those Terms  
 8 To Change And Using Those Priors As Enhancements in  
 9 This New Convictions Case No# CC455119 From Santa -  
 10 Clara County... To Sentence Him to Multiple 5 Years And  
 11 Multiple 3 Years enhancements Violates The Original -  
 12 Plea Agreement And Due Process.  
 13 The Petitioner's Counsel Was Ineffective Because He Failed  
 14 to Consult Or Explain to Petitioner How The United States  
 15 Sentencing Guide Lines Would Affect His Sentencing  
 16 The Petitioner's Counsel Was not Familiar With the Guide -  
 17 Lines And Failed to Challenge The Government's Breach  
 18 Of its Plea Agreements in Petitioner 1989 Case's... In The  
 19 Present Case The Prosecutor Also Failed to Apprise The  
 20 Sentencing Court Of The Government's Agreements As  
 21 to Relevant Conduct.  
 22 The Prosecutor did Not Honor, The Significant Degree  
 23 On The Promise Or Agreement Of The Petitioner's  
 24 1989 Plea Bargain so that it can be said to be Part  
 25 Of The Inducement Or Consideration - Such Promise  
 26 Was Not Fulfilled.. The Government Fail to Fulfill  
 27 A Material Terms Of A Plea Agreement.  
 28 The Counsel Fail to Seek Specific Performance Or



1 Seek to Withdraw His 1989 Plea Bargain: There Fore  
2 The Government Breach A Promise THAT induced A Guilty  
3 Plea Violated Petitioners Due Process.  
4 Before January 24, 2005, The Petitioner's Record Clearly  
5 Reflects. THAT Petitioner was Deny of Two SOPERATE  
6 MARSDEN HEARINGS.

7 Alleged Three InEFFECTIVE Assistance OF Counsel's, From  
8 THE Public DEFENDER'S DEPARTMENT.

9 THE TRIAL COURT AFFORD THE Petitioner AN OPPORTUNITY to  
10 Express THE SPECIFIC REASONS WHY He Believes He is NOT Being  
11 Adequately Represented by His Current Counsel.

12 Petitioner ARGUE THAT Two InEFFECTIVE, And Current Counsel  
13 ALL FAILURE to investigate in Petitioner's CASE, And Failure  
14 To Take THE ORIGINAL Plea OFFER OF 6 YEARS, WHEN THE  
15 Petitioner WAS ARRAIGNED AS Two STRIKER. And Two  
16 InEFFECTIVE Assistance OF Counsel ABANDONMENT OF Petitioner  
17 CASE in CRITICAL STAGES And EXPOSING Petitioner AS A  
18 THREE STRIKER.

19 Petitioner Contend THAT His Relationship Has BECAME  
20 embroiled in such AN IRRECONCILABLE CONFLICT THAT COUNSEL  
21 REPRESENTATION WAS OBJECTIVELY UNREASONABLE AND NOT -  
22 Being Adequately REPRESENTED BY THE Public DEFENDER'S  
23 DEPARTMENT And Current Counsel. MR. CASEY CLIFF.

24 1 THE LACK OF CONSULTATION, PREPARATION, AND INVESTIGATION,  
25 Counsel. Pre - PENALTY.

26 2. FAILED to TAKE statements From witness, HOSPITAL, AND  
27 D.N.A AND Police.

28

1 3. FAILED TO PREPARE FOR OR INVESTIGATE A CASE FOR THREE  
2 STRIKE EXPOSURE.

3 4. LACK OF CONTENT OR SUBSTANCE IN COUNSEL'S REPRESENTATION  
4 IN ALL COURTS PROCEDURES.

5 5. FAILURE TO INVESTIGATE - Neighbor's Statement in  
6 CASE, SECURITY GUARD, ETC.

7 6. FAILURE TO PRESENT MITIGATING EVIDENCE..

8 THE PETITIONER COUNSEL MR. CASEY CLIFT. RESPONDED THAT  
9 THE PUBLIC DEFENDER'S DEPARTMENT HAS A LACK OF FUNDS  
10 IN ORDER TO COMPLETE INVESTIGATION APPROPRIATELY AND UNABLE  
11 TO CONSULT WITH PETITIONER, BECAUSE COUNSEL IS -  
12 OVER LOADED WITH CASE'S.

13 THEREFORE THE TRIAL COURT FAIL TO APPOINT COUNSEL TO  
14 EVALUATE PETITIONER'S CLAIM AND THE STATE COURT FAIL  
15 TO RECOGNIZE AND REMEDY COUNSEL'S INEFFECTIVENESS WAS  
16 UNREASONABLE. BECAUSE OF THE GRAVE IMPLICATIONS OF  
17 CAREER OFFENDER, THE COUNSEL MADE ERROR'S SO  
18 SERIOUS THE DEFICIENT PERFORMANCE PREJUDICED THE  
19 PETITIONER'S DEFENSE, AND THERE IS A REASONABLE  
20 PROBABILITY THAT BUT FOR COUNSEL'S ERROR'S, THE RESULTS  
21 OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT..

22 THEREFORE THE COURTS REFUSAL TO APPOINT SUBSTITUTE  
23 COUNSEL AFTER PETITIONER CITED CONFLICT OF INTEREST  
24 AND FAILED TO ELICIT AND EVALUATE EACH AND EVERY  
25 GROUND UPON WHICH PETITIONER'S MARSDEN MOTIONS.  
26 AFTER WORDS THE COUNSEL'S FAILURE TO CHALLENGE  
27 PROSECUTION'S BREACH OF PLEA AGREEMENTS IN PETITIONER'S

1 downward ADJUSTMENT OF Sentence Using Correct  
2 SECTION OF Guide Lines. OR Specific Performance.  
3 AND Failure to OBJECT AT Sentencing to Base OFFENSE  
4 LEVEL contained in Plea Agreement.

5 ON DATE OF Conviction JANUARY 24, 2005 AND TRIAL  
6 ON February 4, 2005.. Petitioner WAS Sentence to  
7 49 YEARS to Life ..

8 ON MAY 11 2005 Petitioner WAS Granted A Romero  
9 HEARING And Count 2, P.C. 236/237 And Count 3, P.C. 422  
10 And Count 4, P.C. 273 A(b). And Count 6, P.C. 836.6 (b)  
11 WAS Dismissal - AND Count 1, 245(A)(1) AND Count 5,  
12 P.C. 148(A)(1) WAS Convicted AND Sentence to 20 YEARS  
13 See EXHIBIT.

14 Petitioner Counsel Failure to OBJECT to ILLEGAL  
15 PRIOR ENHANCEMENTS 1989 CASE... AND IN Present  
16 CASE THE Prosecutor ALSO Failed to APPRISE THE  
17 Sentencing COURT OF THE GOVERNMENT'S AGREEMENT AS  
18 TO Relevant Conduct AND Recognized THAT "WHEN A  
19 Plea REST in ANY Significant Degree ON A Promise OR  
20 AGREEMENT OF THE Prosecutor, SO THAT it CAN Be SAID  
21 to Be PART OF THE inducement OR Consideration, Such  
22 Promise MUST Be Ful Filled".. THE Government Fail to  
23 FUL FILL A MATERIAL Term OF Petitioners 1989 Plea  
24 AGREEMENT.

25 AND Petitioners Counsel Failure to Seek SPECIFIC  
26 Performance.

27

28

List, by name and citation only, any cases that you think are close factually to yours so that they are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning of these cases:

BROWN V. POOLE, 337 F.3d 1155 (C.A.9 (CAL) 2003); FAIRMAN V. RIGGS, C.D. Cal 2001

US V. GRANADOS, 962 F.2d 767 8th Cir. 1992 / 441 F.3d 688, Buckley V. Teehune,

(C.A.9 (CAL) 2006) U.S. V. BLAYLOCK C.A.9 CAL. 1994 (Cunningham V. Cal. (2007))

Do you have an attorney for this petition?

Yes \_\_\_\_\_ No ☒

If you do, give the name and address of your attorney:

N/A

WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

Executed on

May 1, 2008

Date

Ventura P. [Signature]

Signature of Petitioner

(Rev. 6/02)

TABLE OF AUTHORITIES

- 1
- 2 APPRENDI V. New Jersey 2000 530 U.S. 466
- 3 BELL V. Cone, 535 U.S. 685, 694 122 S.Ct.
- 4 1843, 152 L.Ed. 2d 914 (2002)
- 5 BROWN V. POOLE, 337 F.3d. 1155, (C.A.9(Cal) 2003)
- 6 COMMONWEALTH V. NAPPER, 254 P.A. Super 54, 385
- 7 A. 2d. 521 (1978)
- 8 CUNNINGHAM V. CALIFORNIA 127 S.Ct. 856 (U.S.CAL. 2007)
- 9 U.S.C.A. Const. Amend. 6. 14.
- 10 PENAL CODE 12022, 12022, 7.8. WEST 2000 AND SUPP.
- 11 2006 35, CAL. 4th. AT 1257, 113 P.3d. AT 545.
- 12 FAIRMAN V. RIGGS, 178 F. Supp. 2d. 1141 (C.D. CAL. 2001)
- 13 HILL V. LOCKHART 474. U.S. 52. 59 1985
- 14 HAINES V. KERNER 404 U.S. 519, 520 (1972)
- 15 JOHNSON V. CABANA, 805 F.2d. 579, 581 (8th Cir 1986)
- 16 SANTOBELLO V. NEW YORK 404 US. 257, 262, 92 S. Ct.
- 17 495, 30 L.Ed. 2d. 427 1971
- 18 TOLLIVER V. United States 563. F.3d. 1117, 1120-21
- 19 4th Cir. 1977.
- 20 PEOPLE V. MORGAN, 91 CAL. APP. 4th 1324, 1327, 111 CAL.
- 21 RPT.R. 2d. 502 (2001)
- 22 U.S. V. ANDERSON, 970 F.2d. 602, 607, 9th Cir. 1992
- 23 U.S. V. ARTECA, 411 F.3d. 315, 321 (2d. Cir. 2005).
- 24 U.S. V. BARRESSE, 115 F.3d. 601, 612 8th Cir. 1997
- 25 U.S. V. BLAYLOCK, 20 F.3d. 1458 (C.A.9 CAL, 1994)
- 26 U.S. V. DAY 969 F.2d 39 C.A.3 PA. 1992.
- 27 U.S. V. DAY. 969 F.2d 39 3RD, Cir 1992
- 28 U.S. V. GRANADOS, 962 F.2d 767 8th Cir. 1992

TABLE OF AUTHORITIES

U.S. V. Gomez, 326 F.3d. 971, 974-75  
8th. Cir. 2005.

U.S. V. Munoz, 408 F.3d 222, 227 (6th. Cir 2005)

U.S. V. Scott, 455 F.3d. 1188, 1190-91 (10th Cir. 2006)

U.S V. Russell, 221 F.3d. 615, (C.A. 4 (VA) 2000)

U.S. V. Swamberg, 307 F.3d. 622, 628-29 (6th Cir 2004)

U.S. V. Thompson, 403 F.3d. 1037, 1041 (8th Cir 1997)

Von Moltke V. Gillies, 332 U.S. 708, 721: 68 S.Ct.  
316, 322, 92 L.Ed. 309 1948

WARD V. Drotke, 420 F.3d 479, 489-90 (5th Cir. 2005)

Week V. Snyder 219 F.3d. 245, 261 3rd. Cir 2000

Wiggins V. Smith, 539, U.S. 510, 123 S.Ct.

2527, 2539, 156 L.Ed. 2d. 471 2003

Williams V. State, 326 Md. 367, 605 A.2d, 103 (1992)

U.S. V. Raineri, 42 F.3d. 36, 44 1st. Cir. 1994

U.S.C.A Const. Amend. 6; West's Ann. Cal. Penal Code.  
667 b-i, 1170-12.

Appendix; 530 U.S. AT 490, 120 S.Ct. 2348



VERIFICATION

I, ROBERT ELIAS VENTURA, STATE:

I AM THE PETITIONER IN THIS ACTION.. I HAVE READ THE  
FOREGOING PETITION FOR UNDER 28 USC § 2254 FOR WRIT  
OF HABEAS CORPUS AND PETITION, AND THE FACTS STATED  
THEREIN ARE TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO  
MATTERS THAT ARE THEREIN STATED ON MY OWN  
INFORMATION AND BELIEF,

AND AS TO THOSE MATTERS I BELIEVE THEM TO BE  
TRUE.. I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT AND THAT THIS  
DECLARATION WAS EXECUTED ON DATE MAY 1, 2008 AT  
CORCORAN, E.S.P. SHU. CALIFORNIA.

DATED: MAY 1, 2008

Respectfully Submitted

Robert Ventura

ROBERT E. VENTURA

Petitioner

"PRAYER FOR RELIEF."

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS FOR THE FOLLOWING  
RELIEF: AND IS WITHOUT REMEDY SAVE BY WRIT OF HABEAS CORPUS  
WHEREFORE, PLAINTIFF PRAYS THAT THE COURT.

1. ISSUE AND ORDER TO SHOW CAUSE;
2. ALLOW PETITIONER TO CONDUCT DISCOVERY;
3. CONDUCT AN EVIDENTIARY HEARING;
4. DECLARE PETITIONER'S RIGHTS
5. APPOINT COUNSEL AND AWARD REASONABLE ATTORNEY  
FEE;
6. ORDER TO SEEK SPECIFIC PERFORMANCE SENTENCING  
GUIDE LINES ON HIS 1989 CASE'S PLEA BARGAINS AND  
ORDER PETITIONER'S TRANSCRIPTS 1989 CASE AND CURRENT CASE  
ON ALL PROCEED, AND TWO MARSDEN HEARINGS..
7. GRAND WRIT OF HABEAS CORPUS AND ORDER  
RESPONDENT TO:
8. THAT THE COURT GRANT SUCH FURTHER RELIEF AS  
IT DEEMS JUST AND PROPER.

DATED: MAY 1, 2008

Respectfully Submitted,  
Robert Ventura  
ROBERT E VENTURA  
PLAINTIFF

**EXHIBIT**

**A**

**EXHIBIT**

**A**

**FILED**

DEC 26 2007

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara

BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In re

No. CC455119

ROBERT ELIAS VENTURA,

O R D E R

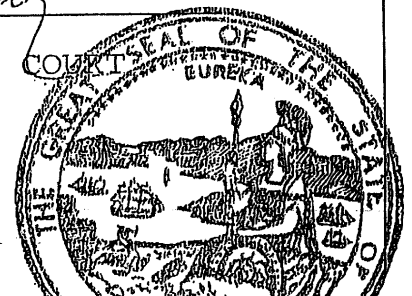
On Motion for Documents

ROBERT ELIAS VENTURA has submitted a motion to this Court requesting free copies of various documents, and/or reports contained in his case file, and/or transcripts of the proceedings, which led to his incarceration. The motion/request is DENIED. Petitioner's declaration of indigency, citations to rules of court, Constitutional principles, case law, or statutes, and/or "Application for Waiver of Court Fees and Costs," form is not applicable when, as here, the time for trial and appeal has passed and there is no matter currently pending and active before this Court. (See *People v. Markley* (2006) 138 Cal.App.4th 230, 240-243.)

DATED: 12/26, 2007

[Signature]  
ARTHUR BOCANEGRA  
JUDGE OF THE SUPERIOR COURT

cc: Petitioner  
District Attorney  
CJIC  
Research(12-18A)



FILED

OCT 03 2007

KEL TORRE  
Chief Executive Officer  
Superior Court of California County of Santa Clara  
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In re

ROBERT VENTURA,

No.: CC455119

ORDER

ROBERT VENTURA, hereinafter Petitioner, has submitted a petition for writ of habeas corpus. Petitioner claims that the sentencing court violated due process by imposing enhancements on the basis of Petitioner's prior plea bargains. Petitioner also claims that his counsel for a 1989 prior was ineffective for not informing him of all the possible consequences of his plea and his counsel for the present offense was ineffective for not enforcing the terms of his prior plea bargains. In addition, Petitioner cites *California v. Cunningham* (2007) 127 S. Ct. 856 as a basis for his challenge to the court's imposition of consecutive sentences in this case.

Due Process

The case of *People v. Brady* (1995) 34 Cal.App.4th 65 dealt with,

1 and rejected, arguments that there is a due process violation in the  
2 application of the strike law.

3 Although the imposition of punishment which, after commission of  
4 a crime, is increased or somehow made more onerous violates the ex  
5 post facto clause of both the United States and California  
6 Constitutions (U.S. Const., art. I, § 10, cl. 1; Cal. Const., Art. I,  
7 §9), "[i]ncreased penalties for subsequent offenses . . .  
8 attributable to the defendant's status as a repeat offender . . .  
9 arise as an incident of the subsequent offense rather than  
10 constituting a penalty for the prior offense. [Citations.]" do not.  
11 (*People v. Weaver* (1984) 161 Cal.App.3d 119, 124 [207 Cal.Rptr. 419],  
12 quoting *In re Foss* (1974) 10 Cal.3d 910, 922 [112 Cal.Rptr. 649, 519  
13 P.2d 1073].) *People v. Brady* (1995) 34 Cal.App.4th 65, 72.

14 The defendant in *Brady* had a single strike and therefore his  
15 sentence was doubled and he was required to serve 80% of it. His  
16 "strike" had been committed prior to the passage of the three strikes  
17 law. That court rejected the same claim that Petitioner makes here,  
18 by concluding that at the time the defendant had committed the  
19 current offense the three strikes law "was in full force and effect.  
20 Such gave him notice that he would be treated more severely since he  
21 committed a new felony and had previously been convicted of a serious  
22 felony. That such 'status' would subject him to subsection (c)(5)'s  
23 credit limits was clearly spelled out. No due process or ex post  
24 facto violation can be shown." (*Id.*, see also *People v. Hatcher*  
25 (1995) 33 Cal.App.4th 1526.)

26 So too in the instant case, since as soon as the strike law came  
27 into effect Petitioner had the status of being a striker, Petitioner



1 the defendant has failed to establish any prejudice, then the  
2 performance prong need not be reached. (*Strickland v. Washington*,  
3 *supra*, 466 U.S. at 697.)

4 Petitioner's claim of ineffective assistance of his prior  
5 counsel rests on the assertion that he was not informed that his  
6 convictions could be used in future cases to enhance his sentence.  
7 However, as noted above, the "three strikes" law had not been enacted  
8 at the time of Petitioner's prior plea. Thus, counsel cannot be held  
9 ineffective for failing to inform Petitioner of a statutory scheme  
10 that was not yet in place.

#### 11 Imposition of Enhancements

12 Contrary to Petitioner's contention, his previous plea  
13 bargain(s) do not insulate him from being subjected to enhancement(s)  
14 based on the prior conviction(s). Petitioner was not being punished  
15 again for the same offense addressed by a previous plea bargain.  
16 Rather, Petitioner was punished for being a recidivist. "The purpose  
17 of section 667 is to punish repeat offenders regardless of whether  
18 they were imprisoned for their previous felony...to impose greater  
19 punishment upon recidivists who commit serious felonies." (*People v.*  
20 *Jones* (1993) 5 Cal.4th 1142; *People v. Medina* (1988) 206 Cal.App.3d  
21 986.) See also *People v. Bernal* (1994) 22 Cal.App.4th 1455, 1457,  
22 explaining:

23 When entering a guilty plea, the defendant must be  
24 advised of the direct consequences of the conviction.  
25 (*Bunnell v. Superior Court* (1975) 13 Cal.3d 592, 604.)  
26 However, possible future use of a current conviction is  
27 not a direct consequence of the conviction. (*People v.*  
*Crosby* (1992) 3 Cal.App.4th 1352, 1356; see also *People*  
*v. Lewis* (1987) 191 Cal.App.3d 1288, 1301; *Hartman v.*  
*Municipal Court* (1973) 35 Cal.App.3d 891, 893.) A  
defendant need not be advised of the possible future  
use of a conviction in the event the defendant commits

1 a later crime.


2 As there was no violation in sentencing Petitioner as a recidivist,  
3 there was no ineffective assistance of counsel, as alleged by  
4 Petitioner, for his attorney's failure to enforce the prior plea  
5 agreement.

6 Cunningham

7 Petitioner claims that the court's imposition of consecutive  
8 terms violates the Supreme Court's recently articulated rule in  
9 *Cunningham v. California* (2007) 127 S. Ct. 856 interpreting its prior  
10 decision in *Blakely v. Washington* (2004) 542 U.S. 296. However the  
11 *Blakely* rule does not apply to the trial court's decision regarding  
12 imposition of consecutive or concurrent sentences. (*People v.*  
13 *Sandoval* (2007) 41 Cal.4th 825, 850-851; *People v. Sullivan* (2007)  
14 151 Cal.App.4th 524, 567-568.) Thus, Petitioner is not entitled to  
15 relief under *Cunningham*.

16 Petitioner's motion, and all requested relief, is DENIED

17  
18 DATED: 1 Oct, 2007

19   
PAUL BERNAL  
JUDGE OF THE SUPERIOR COURT



20 cc: Petitioner  
21 District Attorney  
22 Research (7-17B)  
23 CJIC  
24  
25  
26  
27  
28

25

25

**EXHIBIT**

**B**

**EXHIBIT**

**B**

**COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.

**FILED**

JAN 9 - 2008

MICHAEL J. YEHLI, Clerk

By \_\_\_\_\_  
DEPUTY

In re ROBERT VENTURA,  
  
on Habeas Corpus.

H032325  
(Santa Clara County  
Super. Ct. No. CC455119)

BY THE COURT:

The petition for writ of habeas corpus, seeking an extension of time to file an opening brief on "appeal," is denied without prejudice. There is no appeal from the denial of a habeas petition by the superior court; rather, the petitioner must file an original habeas petition in the reviewing court. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7.)

Petitioner's request for appointment of counsel is denied without prejudice.

(Elia, Acting P.J., and Duffy, J., participated in this decision.)

Dated JAN 9 - 2008 ELIA, J. Acting P.J.

**COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.

**FILED**

JAN 8 - 2008

MICHAEL J. YEHLY, Clerk

In re ROBERT VENTURA,  
on Habeas Corpus.

H032454  
(Santa Clara County  
Super. Ct. No. CC455119)

By \_\_\_\_\_  
DEPUTY

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Premo, Acting P.J., Elia, J., and Duffy, J., participated in this decision.)

Dated JAN 8 - 2008 PREMO, J. Acting P.J.

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare the following:

I am over 18 years of age, and a party to the within action.

My address is: Robert Ventura V-80485  
P.O. Box 3476 4A-3L-03  
Corcoran, CA 93212-3476

On 1-11-08, I served a copy of the attached

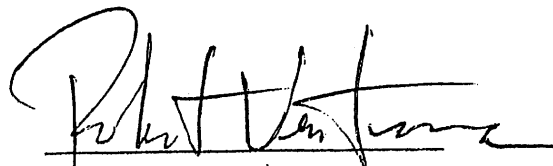
Motions For Order For Typewritten  
Transcript of Sentencing Hearing Etc.

On the below-named persons by placing a true copy thereof in envelope addressed as follows, with first class postage thereon fully prepaid, and delivering the sealed envelopes, according to the procedures prescribed for sending legal mail, to the proper institutional official for deposit in the United States mail at Corcoran, in the County of Kings, California.

Sixth District Court  
333 West Santa Clara St. #1060  
San Jose, CA 95131-1717  
\_\_\_\_\_  
\_\_\_\_\_

Executed under penalty of perjury this 11 day of

January, 2008, at Corcoran, California.

  
DECLARANT





OFFICE OF THE CLERK  
Court of Appeal  
State of California  
SIXTH APPELLATE DISTRICT

333 WEST SANTA CLARA STREET #1060  
SAN JOSE, CA 95113  
(408) 277-1004  
WWW.COURTINFO.CA.GOV/COURTS/COURTSOFAPPEAL

MICHAEL J. YERLY, CLERK

Dear Sir/Madam:

*Ventura*

Your document is returned herewith for one of the following reasons:

1. The document is returned because We do not have an active case. you may submit the form attached MC-275
2. Fails to contain a proof of service in compliance with the rules of court.
3. The document fails to contain the proper attorney heading as required by the rules of court.
4. The document submitted is not timely.
5. The required number of copies has not been submitted in compliance with rule 8.44 of the California Rules of Court.

After the required corrections have been completed, return the pleadings to this court for filing.

Very truly yours,  
Michael J. Yerly, Clerk/Administrator

*Gossie J. Miller*  
Deputy Clerk



OFFICE OF THE CLERK  
Court of Appeal  
State of California  
SIXTH APPELLATE DISTRICT

333 WEST SANTA CLARA STREET #1060  
SAN JOSE, CA 95113  
(408) 277-1004  
WWW.COURTINFO.CA.GOV/COURTS/COURTSOFAPPEAL

MICHAEL J. YERLY, CLERK

Dear Sir/Madam: *Robert Elias Ventura (V80485)*

Your document is returned herewith for one of the following reasons:

1. The document is returned because -you must use the  
mandatory Form MC-275 (which is attached)
2. Fails to contain a proof of service in compliance with the rules of court.
3. The document fails to contain the proper attorney heading as required by the rules of court.
4. The document submitted is not timely.
5. The required number of copies has not been submitted in compliance with rule 8.44 of the California Rules of Court.

After the required corrections have been completed, return the pleadings to this court for filing.

Very truly yours,  
Michael J. Yerly, Clerk/Administrator

*[Signature]*  
Deputy Clerk

## SIXTH DISTRICT APPELLATE PROGRAM

A Non-Profit Corporation

100 N Winchester Blvd., Suite 310  
Santa Clara, CA 95050

(408) 241-6171 - Main  
(408) 241-2877 - Fax

Executive Director  
*Michael A. Kresser*

Assistant Director  
*Dallas Sacher*

Law Office Manager  
*Yolanda Edwards*

Staff Attorneys  
*Lori A. Quick*  
*Vicki I. Firstman*  
*William M. Robinson*  
*Jonathan Grossman*  
*Paul Couenhoven*

January 7, 2008

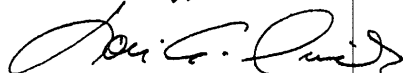
Robert Ventura  
V-80485  
Corcoran State Prison  
P.O. Box 3476  
Corcoran, CA 93212-3476

Dear Mr. Ventura,

I have received your letter postmarked January 4, 2008. It appears from your letter that you wish to file a petition for a writ of habeas corpus. As I wrote in my last letter, habeas petitions are considered civil proceedings, even if they arise from a criminal case. Generally, an indigent prisoner is not entitled to appointed counsel to assist with the preparation of a habeas petition. However, if an indigent prisoner files a habeas corpus petition and the court determines the petition states a prima facie case for relief, then due process considerations require the court to appoint counsel to represent the prisoner. (*People v. Barton* (1978) 21 Cal.3d 513, 519 fn. 3; *People v. Shipman* (1965) 62 Cal.2d 226, 232; Cal. Rules of Court, rule 4.551(c)(2).) It appears that you have already filed a habeas petition which was denied. Thus, you are not entitled to appointed counsel. (*People v. Clark* (1993) 5 Cal.4th 750, 783, fn. 20; *Redante v. Yockelson* (2003) 112 Cal.App.4th 1351, 1356.) We do represent indigent defendants on direct appeal when appointed by the Court of Appeal. However, you were sentenced on May 11, 2005. A notice of appeal should have been filed no later than July 10, 2005, two and one-half years ago. (California Rules of Court, rule 8.308(a).) It would be pointless to ask for permission to file a late notice of appeal at this late date.

Typically, when people in your position write to us for help, we advise them to file a habeas petition and we send them the appropriate form. Because you have already filed a petition which was denied, and because we do not represent you on that petition, there is nothing we can do for you. I am sorry we cannot be of more assistance. I wish you the best of luck.

Sincerely,



Lori A. Quick  
Staff Attorney

## SIXTH DISTRICT APPELLATE PROGRAM

A Non-Profit Corporation

100 N Winchester Blvd., Suite 310  
Santa Clara, CA 95050

Executive Director  
*Michael A. Kresser*

Law Office Manager  
*Yolanda Edwards*

(408) 241-6171 - Main  
(408) 241-2877 - Fax

Assistant Director  
*Dallas Sacher*

Staff Attorneys  
*Lori A. Quick*  
*Vicki I. Firstman*  
*William M. Robinson*  
*Jonathan Grossman*  
*Paul Couenhoven*

December 28, 2007

Robert Ventura  
V-80485  
Corcoran State Prison  
P.O. Box 3476  
Corcoran, CA 93212-3476

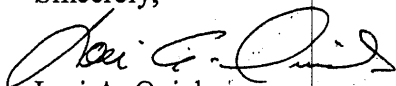
Dear Mr. Ventura,

We have received several documents from you: a petition for writ of habeas corpus filed on July 17, 2007; a handwritten opening brief; a letter from the Court of Appeal declining to file a document for noncompliance with the rules of court; a Superior Court order filed October 3, 2007 denying a petition for writ of habeas corpus; and a request for appointment of counsel. Please be advised as follows.

First of all, I cannot help you with a petition for writ of habeas corpus. Because this is considered a civil proceeding, you are not entitled to appointed counsel. (*People v. Clark* (1993) 5 Cal.4th 750, 783, fn. 20; *Redante v. Yockelson* (2003) 112 Cal.App.4th 1351, 1356.) Although we do represent indigent defendants on direct appeal when appointed by the Court of Appeal, it appears from the paperwork you have sent that the time to file a notice of appeal is long past. Your habeas petition indicates that you were sentenced on May 11, 2005. This means you would have had to file a notice of appeal no later than July 10, 2005. (California Rules of Court, rule 8.308(a).) I can think of no reasonable justification to offer the Court for a failure to take action for two and one-half years, and therefore we cannot request permission to file a late notice of appeal.

I am sorry we could not be of more assistance. I wish you the best of luck.

Sincerely,

  
Lori A. Quick  
Staff Attorney

**EXHIBIT**

**C**

**EXHIBIT C**

Court of Appeal, Sixth Appellate District - No. H032325  
S160550

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

In re ROBERT VENTURA on Habeas Corpus

---

The petition for review is denied.

**SUPREME COURT  
FILED**

**MAR 12 2008**

**Frederick K. Ohlrich Clerk**

**Deputy**

---

Moreno, J., was absent and did not participate.

**GEORGE**

---

Chief Justice



Court of Appeal, Sixth Appellate District - No. H032454  
S160234

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

In re ROBERT VENTURA on Habeas Corpus

---

The petition for review is denied.

**SUPREME COURT  
FILED**

MAR 12 2008

Frederick K. Ohlrich Clerk

---

Deputy

Moreno, J., was absent and did not participate.

**GEORGE**

---

Chief Justice

ROBERT VENTURA - CLERK # V-80485  
 SP-CORCORAN (SHU) 4A 3L-3  
 P.O. BOX 3476  
 CORCORAN, CA. 93212-3476

In Pro Per

IN THE CALIFORNIA SUPREME COURT  
 COUNTY OF SAN FRANCISCO

ORIGINAL

In re

Robert Ventura

On Habeas Corpus

No. S160550

REQUEST FOR APPOINTMENT  
 OF COUNSEL AND DECLARATION  
 OF INDIGENT

MAR 3 - 2008

CLERK SUPREME COURT

I, Robert Ventura, declare that I am a petitioner to the above-referenced matter, that I am incarcerated at [place prison here], and that I am indigent and unable to afford counsel. My total assets are \$ 0 and my income is \$ 0 per month.

I hereby request that counsel be appointed in this matter so that my interests may be protected by the professional assistance required. In addition, when a court issues an order to show cause, counsel must be appointed for an indigent petitioner who requests counsel.

California Rules of Court, rule 4.551 (c)(2).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 25, 2008.



Petitioner

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

OFFICE OF THE STATE PUBLIC DEFENDER

221 Main Street, 10<sup>th</sup> Floor  
San Francisco, California 94105  
Telephone: (415) 904-5600  
Fax: (415) 904-5635



April 4, 2008

Mr. Robert Ventura  
V-80485  
P.O. Box 3476  
Corcoran, CA 93212

Dear Mr. Ventura:

This office has received your letter requesting our assistance in challenging your convictions for domestic violence and assault with a deadly weapon. I am sorry, but our office only represents people who have been sentenced to death and only in, and by appointment of, the California Supreme Court. We are not allowed to represent anyone else on any other matters.

I would recommend that you contact the appellate project serving Santa Clara County, where you were convicted. They should be able to provide you with the information you need about the process of challenging a conviction. The following is their contact information:

Sixth District Appellate Program  
100 N. Winchester Blvd., Suite 310  
Santa Clara, CA 95050  
408-241-6171

Again, I am sorry that this office cannot be of assistance to you. Best of luck with your case.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Delaine Renard", written over a horizontal line.

C. Delaine Renard  
Deputy State Public Defender



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

To: Robert J. Ventura  
V-80485, PO Box 3476, 4A-3R-44, Corcoran, California 93212-3476

From: Judicial Council of California, Administrative Office of the Courts  
Office of the General Counsel

Date: April 1, 2008

Re: Your letter to this office dated March 13, 2008

---

To the extent you are seeking intervention in your contemplated lawsuit, please note that neither the Judicial Council nor the Administrative Office of the Courts may intervene on behalf of a litigant in a pending case, nor may either entity offer legal advice to a member of the public as to how to proceed with, or in, a lawsuit.

If you have internet access, however, information about many legal issues, small claims, and Judicial Council forms is available at the California Courts online Self-Help Center at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). Information on where to find free and low-cost legal help is available at [www.courtinfo.ca.gov/selfhelp/lowcost](http://www.courtinfo.ca.gov/selfhelp/lowcost).

If you are interested in retaining an attorney to assist you in your case, you may wish to contact the State Bar of California for information about its lawyer referral services.

Please note that this memorandum is intended to be informational only, and is neither intended to be legal advice nor to create an attorney-client relationship. This office may not represent nor give legal advice to members of the public, including advice regarding the use or applicability of any particular Judicial Council form.

15

**EXHIBIT**

**D**

**EXHIBIT D**

**COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA - Sixth App. Dist.

SIXTH APPELLATE DISTRICT

**FILED**

MAR 24 2008

MICHAEL J. YERLEY, Clerk

By \_\_\_\_\_  
DEPUTY

In re ROBERT VENTURA,  
on Habeas Corpus.

H032716  
(Santa Clara County  
Super. Ct. No. CC455119)

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,  
participated in this decision.)

Dated MAR 24 2008

BAMATTRE-MANOUKIAN, J.

Acting P.J.

PROOF OF SERVICE BY MAIL

I, Robert Elias Ventura, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: C.S.P - SHU. 4A-3L-41  
P.O. Box 3476 CORCORAN CAL. 93212-3476

On APRIL 17, 2008, I delivered to prison officials for mailing, at the above address, the attached: Motion For Counsel AND Application For Waiver of Court Fees AND Costs. Supreme Court Case No. <sup>\*</sup>HD32716 / CC455119; Declaration; Transcripts Rule 32(a) Rule 35(b)  
 in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) <u>Frederick K. OHIRICH</u>	(2) <u>Attorney General</u>
<u>350 Mc Allister Street</u>	<u>485 Golden Gate Ave (Suite 11000)</u>
<u>San Francisco CA 94102</u>	<u>San Francisco, CA 94102</u>

(3) \_\_\_\_\_ (4) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 17 day of APRIL, 2008, at California State Prison, Corcoran.

Robert Elias Ventura  
 In Pro Per



Robert Elias Ventura CDC # V-80485

CSP-CORCORAN 4A-32-44

P.O. Box 3476

CORCORAN, CA. 93212-3476

E-filing

FILED  
08 MAR 28 PM 3:04  
RICHARD W. WIERING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT FOR THE Northern  
DISTRICT OF CALIFORNIA

Robert Elias Ventura

Plaintiff

No.

SBA

V.

ADAMS (WARDEN)

Defendant

REQUEST FOR APPOINTMENT OF  
COUNSEL AND DECLARATION OF  
INDIGENCY IN SUPPORT

(PR)

I, Robert Elias Ventura, DECLARE THAT I AM A PETITIONER  
TO THE ABOVE-REFERENCED MATTER, THAT I AM INCARCERATED AT CSP-  
CORCORAN, AND THAT I AM INDIGENT AND ILLITERATE AND UNABLE TO  
AFFORD COUNSEL. MY TOTAL ASSETS ARE \$ 00.00 AND MY INCOME IS  
\$ 00.00 PER MONTH.

I HEREBY REQUEST THAT COUNSEL BE APPOINTED IN THIS MATTER SO  
THAT MY INTERESTS MAY BE PROTECTED BY THE PROFESSIONAL ASSISTANCE  
REQUIRED. IN ADDITION, WHEN A COURT ISSUES AN ORDER TO SHOW CAUSE,  
COUNSEL MUST BE APPOINTED FOR AN INDIGENT PETITIONER WHO REQUEST  
COUNSEL. (18 U.S.C. § 3006 A. (9).) IF AN EVIDENTIARY HEARING IS ORDERED,  
THIS DISCRETIONARY POWER BECOMES A MANDATORY RULE FOR APPOINTMENT.  
(FEDERAL HABEAS RULE 8 (c).) GENERAL COUNSEL SHOULD BE APPOINTED  
WHERE "FUNDAMENTAL FAIRNESS" REQUIRES IT. (see SCHULTZ V. WAINWRIGHT)

NOTICE OF APPEAL TO A COURT OF APPEALS FROM A JUDGMENT.

United States District Court For THE  
NORTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAR 28 PM 3:04  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

ROBERT ELIAS VENTURA  
PLAINTIFF

V.

DARREL ADAMS,  
DEFENDANT.

Notice OF APPEAL  
CV 08 1708

NO.

SBA

(PR)

Notice is HEREBY given THAT ROBERT ELIAS VENTURA  
PLAINTIFF IN THE ABOVE NAMED CASE, HEREBY APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE SUPREME  
COURT OF CALIFORNIA FROM THE FINAL JUDGMENT FROM  
AN ORDER (THE Petition For Review is Denied). SEE  
ATTACHED DOCUMENT..

ENTERED IN THIS ACTION ON THE 12 DAY OF MARCH,  
2008.

DATED: MARCH 21 2008

Respectfully Submitted  
Robert Ventura

J. PRIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

ROBERT ELIAS VENTURA (11/19/1965), 3K,  
aka ROBERT ELIAS VENTURA,  
1820 MIDFIELD AVE #4, SAN ANDREAS, CA

Defendant(s)

DA NO 040615474  
CEN  
04029751 RV \*

FIRST AMENDED  
INFORMATION NO. CC455119

DOMESTIC VIOLENCE

INFORMATION  
SUMMARY

<u>Count</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Defendant</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC245(a)(1)	2-3-4	ROBERT ELIAS VENTURA	PC667/1192.7	
2	PC236-237	16-2-3	ROBERT ELIAS VENTURA	PC12022(b)(1)	1 YEAR
3	PC422	16-2-3	ROBERT ELIAS VENTURA	PC12022(b)(1)	1 YEAR
4	PC273a(b)		ROBERT ELIAS VENTURA		
5	PC148(a)(1)		ROBERT ELIAS VENTURA		
6	PC836.6(b)		ROBERT ELIAS VENTURA		
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667(b)-(i)/1170.12	see code
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667(b)-(i)/1170.12	see code
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667(b)-(i)/1170.12	see code
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667.5(a)	3 yrs
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667.5(a)	3 yrs
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667.5(b)	1 yr
	Prior/Alleg:		ROBERT ELIAS VENTURA	PC667.5(b)	1 yr

IN THE SUPERIOR COURT OF THE  
STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
THE PEOPLE OF THE STATE OF CALIFORNIA,

	)	
	)	
PLAINTIFF,	)	REPORT OF
	)	PROBATION OFFICER
vs.	)	No.: CC455119
	)	March 22, 2005
ROBERT ELIAS VENTURA,	)	G. Behrens, D.A.
AKA:	)	C. Clift, P.D.
DEFENDANT,	)	
	)	
	)	

---

COURT DATA

SENTENCING COURT: Honorable Arthur Bocanegra

CHARGE: Count One, Section 245(a)(1) of the Penal Code  
(Assault With a Deadly Weapon)

With Section 667/1192.7 of the Penal Code (Personal  
Use of Dangerous and Deadly Weapon - Serious Felony)

Count Five, Section 148(a)(1) of the Penal Code  
(Resisting, Delaying, Obstructing an Officer), a  
misdemeanor

PRIORS: Three Within the Meaning of Section 667(b)-(i)/1170.12  
of the Penal Code (Strike Priors - 25 Years to Life)

#1: Discharge of Firearm at Inhabited Dwelling or  
Vehicle, Section 246 of the Penal Code, Santa Clara  
County (117912)

#2: Robbery, Section 211/212.5(b) of the Penal Code,  
Contra Costa County (3-163856-8)

#3: Arson, Section 451(b) of the Penal Code, Contra  
Costa County (3-163856-8)

In the Case of ROBERT ELIAS VENTURA

Info. #: CC455119

March 22, 2005

Two Within the Meaning of Section 667(a) of the Penal Code (Serious Felony Priors - 5 Years Each)

#1: Arson of Inhabited Structure, Section 451(b) of the Penal Code, Contra Costa County (03-163856-8)

#2: Shooting at Inhabited Dwelling/Vehicle, Section 245 of the Penal Code, Santa Clara County (117912)

Two Within Meaning of Section 667.5(a) of the Penal Code (Violent Felony Prison Priors - 3 Years Each)

#1: Robbery, Section 211/212.5(b) of the Penal Code, Contra Costa County (3-163856-8)

*Plea Bargain* → #2: Discharge of a Firearm at Inhabited Dwelling or Vehicle, Section 246 of the Penal Code, Santa Clara County (117912)

Two Within the Meaning of Section 667.5(b) of the Penal Code (Prison Priors - 1 Year Each)

→ #1: Burglary, Section 459/460.2 of the Penal Code, Santa Clara County (128369)

#2: Arson, Section 451(b) of the Penal Code, Contra Costa County (3-163856-8)

PROBATION ELIGIBILITY: Ineligible pursuant to Section 667(c)(2) of the Penal Code; limited eligibility pursuant to Sections 1203(e)(2) and 1203(e)(4) of the Penal Code

DATE OF OFFENSE: May 31, 2004

DATE OF ARREST: May 31, 2004

*not knowing or understanding*

CONVICTION: Pled Guilty and admitted Serious Felony allegation on January 24, 2005; Strike Priors, Serious Felony Priors, and Prison Priors were Found True by Court Trial on February 4, 2005.

CONDITIONS: None

REMAINING CHARGES: Count Two, Section 236/237 of the Penal

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
**ATTACHMENT PAGE**

PEOPLE vs.

Robert Elias Ventura

CASE #

CC455119

DATE:

04029751

Count	F/M	Violation	Prison Term /Yrs	Enhancements / Priors	Yrs/Styd/Strkn	County Jail
				PC 1667.5(A)	Styd Pur to P.V Jones	
				PC 1667.5(B)	Styd Pur to P.V Jones	
				PC 1667.5(C) / 1170.12		
				PC 1667.5(D) / 1170.12	STRKN (punishment)	
				<del>PC 1667.5(E) / 1170.12</del>		
6		Δ has worked in his rehabilitation to the best of his abilities while in custody				
7		His prospects of employment are positive				
3		The robbery & arson occurred during a single period of aberrant behavior & occurred 11 yrs ago.				
2		Δ is in good health				
0		Δ has demonstrated a willingness to participate in rehabilitation program				
Strike Prior(s) stricken pursuant to PC1385 based on the following reasons:						
1.		The Δ has demonstrated remorse <del>with many many many</del>				
2.		The Δ has become a Minister while in custody				
3.		The age of the Δ <del>and his ability to maintain work</del>				
4.		The Δ has become involved with breaking barriers and participating in such programs				
5.		The Δ has an enormous amount of family support & community support				



180485  
Entered as  
2nd Striker  
per V. Crenshaw  
CCRA  
M.J. Brust, CCRA

ABS  
SING  
[No]

COMMITMENT - DETERMINATE  
IN CONSECUTIVE COUNT FORM  
[Conditions or for 1/3 consecutive sentences.] CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLAY  
BRANCH OR JUDICIAL DISTRICT HOJ  
PEOPLE OF THE STATE OF CALIFORNIA vs.  
DEFENDANT: Robert Elias Ventura

AKA:  
CIN:  
BOOKING INFORMATION: PFN CDZ126 CEN: 04029751

DATE OF HEARING  
05-11-2005

DEPT. NO.  
44

JUDGE  
Arthur Bocanegra

CLERK  
R. Loza

REPORTER  
J. Hernandez

PROBATION NUMBER OR PROBATION OFFICER  
P. Rae

COUNSEL FOR PEOPLE  
3. Behrens

State Attorney General

COUNSEL FOR DEFENDANT  
C. Cliff

APPTD.

INPUT OBIS

CC455119

NOT PRESENT

AMENDED ABSTRACT

COMMITMENT TO STATE PRISON  
ABSTRACT OF JUDGMENT

I. Defendant was convicted of the commission of the following felony:

INT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (Month/Date/Year)	CONVICTED BY	TERM	TIME IMPOSED
	PC	245(a)(1)	Assault with a deadly weapon	2004	01-24-2005	Jury Court Plea	X M	YRS. 3 MOS. 0

ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

COUNT	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL
1	PC667/1192.7	3							3 0

ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL
PC667(a) x 2	10	PC667.5(a)	3	PC667.5(b)	1	PC667.5(a)	S	14 0
PC667.5(b)	S							

☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

Restitution Fine of: \$4000 per PC 1202.4(b) forthwith per PC 2085.5; \$4000 per PC 1202.45 suspended unless parole is revoked.  
Restitution per PC 1202.4(f): ☒ GEN / ☐ Amount to be determined to: ☐ victim(s)\* ☐ Restitution Fund

(\*List victim name(s) if known and amount breakdown in item 7, below.)

Fine(s) [PA included]: \$\_\_\_\_\_ per PC 1202.5. \$\_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS

Lab Fee \$\_\_\_\_\_ per HS 11372.5(a) for counts \_\_\_\_\_. ☐ Drug Program Fee of \$150 + PA \_\_\_\_\_ per HS 11372.7(a).

TESTING: a. ☐ AIDS pursuant to PC 1202.1 b. ☒ DNA pursuant to PC 296 c. ☐ other (specify):

Other orders (specify): Advised 5yrs parole. Romero Motion granted striking 2 strike priors. Dismissal counts 2, 3, 4, 6. PC12021 ordered.

own/possess deadly weapons. Destroy weapon PC12028/12029/JPD 04-153-0321. Count 5misd[PC148(a)(1)] 6mos CJ c/c. Probation denied. SECA \$20.

TOTAL TIME IMPOSED excluding county jail term:	20	0
--	----	---

☐ This sentence is to run concurrent with (specify):

1. Execution of sentence imposed

a. ☒ at initial sentencing hearing.

b. ☐ at resentencing per decision on appeal.

c. ☐ after revocation of probation.

d. ☐ at resentencing per recall of commitment. (PC 1170(d).)

e. ☐ other (specify):

DATE SENTENCE PRONOUNCED 05-11-2005	CREDIT FOR TIME SPENT IN CUSTODY	TOTAL DAYS: 518 INCLUDING:	ACTUAL LOCAL TIME 348	LOCAL CONDUCT CREDITS 172	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	SERVED TIME IN STATE INSTITUTION (number of days) <input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC
--	----------------------------------	----------------------------	-----------------------	---------------------------	--	---

2. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.  
be delivered to: ☐ reception center designated by Director, California Department of Corrections.  
☒ Other (specify): STAY TRANSPORTATION 05/18/2005

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment in this action.

DEPUTY'S SIGNATURE

Sina Colbenson

DATE  
05-17-2005

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for defendant's record but must be referred to in this document.

Form Adopted for Mandatory Use  
Judicial Council of California  
CR-290.1 [Rev. January 1, 2003]

ABSTRACT OF JUDGMENT - DETERMINATE  
SINGLE, CONCURRENT, OR CONSECUTIVE COUNT FORM

Penal Code  
§§ 1170, 1213, 1213.5



2. HALL OF JUSTICE  
190 W. HEDDING STREET  
SAN JOSE, CA 95110  
ROBERT ELIAS VENTURA  
1820 MIDFIELD DR 4  
SAN JOSE, CA 95111  
HON. ARTHUR BOCANEGRA  
J HERNANDEZ/DAIVED  
PUBLIC DEFENDER

DATE

05/11/2005 9:00 AM

CLERK 11/19/1965 CAC4946274

HEARING R LOZA/B-CLARK

AGENCY ROMERO HEARING

STATUS SJ-04313-3080 -UNGER

I-SET -500000

DEPT 04029751

CDY BK:Y  
CDZ126 M

TW

Y

F(001) PC245(A)(1)  
F(003) PC422  
F(005) PC148(a)(1)

F(002) PC236/237

F(004) PC273a(b)  
F(006) PC235e(1b)VIOLATION DATE  
05/31/2004

Defendant Present ☐ Not Present ☒ Atty Present ☒ AD ☒ PD / Legal Aide / Special App ☐ Sworn

Arr'd ☐ Adv ☐ Arr Wav ☐ Amend Comp/Info ☐ Arr ☐ Plea ☐ IDC ☐ PTC ☐ Prob / Sent ☐ Interpreter ☐ Bail Apply ☐ Balance Exonerated ☐ Sworn

PC977 ☐ Filed ☐ On File ☐ Replr. Adv / Wav ☐ Bail/ OR/ SORP ☐ Recl Dr Rpt ☐ FAR/ ERC ☐ Bail Exonerated ☐ Forfeited ☐ Bond # \_\_\_\_\_

NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ Readiness ☐ S / B MTC ☐ Reassumption Filed ☐ Forfeiture Set Aside ☐ Bail Rein

Denies Priors/ Allegations/ Enhancements/Refusal ☐ Further ☐ Jury ☐ CT ☐ Peo / Del Wav Jury ☐ \$ \_\_\_\_\_ Costs Within 30 Days to Court

TW ☐ TNW ☐ TW / WD ☐ TW Sentence ☐ Ref'd ☐ SORP / OR ☐ Revoked ☐ Reinstated ☐ May Post & Forfeit

Ref / Appt PD / AD / Legal Aide ☐ Conflict Decl ☐ APO / Prop 36 ☐ P36 Re-Assm't ☐ BW Ordered \$ \_\_\_\_\_ Stayed ☐ To Issue

Relieved ☐ App'd ☐ Crim Proc Susp ☐ Recl ☐ No Cite Release/SCIT ☐ No Request ☐ Cash Only

Hrg on Motion ☐ Denied ☐ Submitted ☐ Off Cal ☐ Subm on Report ☐ Found ☐ Doubt Decl Pursuant PC 1396 ☐ No Cite Release/SCIT ☐ No Request ☐ Cash Only

Stip to Comm ☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ MDA / COM Amended to ☐ Pur VC23103.5 ☐ DA Stmt Filed ☐ Other ☐

Prelim Wav ☐ Certified to General Jurisdiction ☐ EA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP ☐ Add to Cal

Amended to ☐ (M) VC12500(a) / VC23103(a) ☐ Jail / Prison Term of ☐ Subm time of Sent ☐ Harvey Stip ☐

Dismissal / Striking ☐ Adv ☐ Max Pen ☐ Parole/Prob ☐ Appeal ☐ Immig ☐ Reg PC290/HS11590/PC457.1/PC186.30 ☐ Future Serious Felony ☐ PC12021 (110) ☐ VC14607.8/PC666

Wav Right to ☐ Counsel ☐ Court / Jury Trial ☐ Subpoena / Confront / Examine Witnesses ☐ Self-incrimination ☐ Written Waiver filed ☐ Plea / Absentia filed

COP ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhancements / allegations / priors ☐ PC17 ☐ Arbuckle ☐ Factual Basis found ☐ Findings stated

Prop 36 Granted / Unamenable / Refused / Term ☐ DEJ Eligibility Filed ☐ DEJ Granted / Rein / Term ☐ Fee \$ \_\_\_\_\_ Guilty Plea Rendered

Waives Referral ☐ Ref'd to APO Full Rpt ☒ PROBATION DENIED ☐ Fines/Fees: PAY TO ☐ Ref to DOR ☐ COURT ☐ TODAY

Sentenced to \_\_\_\_\_ State Prison/County Jail ☐ Sent Suspended \_\_\_\_\_ COUNT \$ \_\_\_\_\_ + PA \$ \_\_\_\_\_ Purs HS11350d

PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period ☐ COUNT \$ \_\_\_\_\_ + PA \$ \_\_\_\_\_

COURT ☐ FORMAL PROBATION GRANTED for \_\_\_\_\_ Days / Mos / Yrs ☐ AIDS / CPP \$ \_\_\_\_\_ + PA \$ \_\_\_\_\_

Report to APO within \_\_\_\_\_ Days ☐ Terminated ☐ Upon Release ☐ DPF \$ \_\_\_\_\_ + PA \$ \_\_\_\_\_

Perform \_\_\_\_\_ Hrs Volunteer Work as directed PO / SAP / CAP ☐ in lieu of fine ☐ LAB \$ \_\_\_\_\_ + PA \$ \_\_\_\_\_

Not drive w/o valid DL & Ins ☐ Adv VC23600 ☐ HTO ☐ Delete FOP/MOP ☐ DRF (RF) \$ 4000 Add'l RF \$ 4000 Susp'd PC1202.45

MOP ☐ FOP ☐ 12 hrs ☐ 3 mos ☐ 6 mos ☐ Enroll within \_\_\_\_\_ days ☐ AEF \$ \_\_\_\_\_ Original Fine \$ \_\_\_\_\_

DL Susp/ Restr'd/ Rvk'd for \_\_\_\_\_ ☐ To, from, during Work/AlcoPrg/Jail/Sch/App ☐ SECA \$ 20 CTS PC2900.5 \$ \_\_\_\_\_

IID Not/Ordered/ Rmv'd Term \_\_\_\_\_ Yrs ☐ DSA thru APO / DOR / CRT ☐ Filed ☐ NC \$ \_\_\_\_\_ TOTAL DUE \$ \_\_\_\_\_

No contact with victim or family / co-defts unless appr by APO ☐ PC1202.05 ☐ ASF / CPF \$ \_\_\_\_\_ Payments Granted / Modified

DVPO issued / mod / term'd Exp \_\_\_\_\_ ☐ Victim Present ☐ AR \$ \_\_\_\_\_ / Mo beginning \_\_\_\_\_

Not own/possess deadly weapons ☒ Destroy/Return Weapon ☐ PC 12028/12029 ☐ FINE STAYED \_\_\_\_\_

Submit Search/Testing ☐ Educ/Voc Trng/Empl ☐ No alcohol / drugs or where sold ☐ SAVED case # \_\_\_\_\_ Committed @ \$ \_\_\_\_\_ /day ☐ May Pay Out

Substance Abuse, DV, Psych, Parenting, Anger Mgmt, Theft cnsl / prgm ☐ ATTY 04-153-032 ☐ Consec/Conc to \_\_\_\_\_

PC296 (DNA) ☐ PC1202.1 HIV Test / Education ☐ P/INVEST \$ \_\_\_\_\_ /P/SUP \$ \_\_\_\_\_ /Mo ☐ Waived

IP: ☐ Wav ☐ Arr'd ☐ Admits/Denies Viol ☐ Court Finds VOP / No VOP ☐ CJAF ☐ \$ 207.55

jb Rein / Mod / Term'd / Revoked / Remains Revoked / Ext to \_\_\_\_\_ ☒ Restitution \$ general

Original Terms & Conditions Except as Amended herein ☐ To be determined by APO/Court ☐ Referred to VWAC ☐ Collect Civilly

Co-terminous with ☐ No Further Penalties / Reviews ☐ County Jail

IL/PRISON ☒ See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	HRS / DAYS / MOS
1	E	PC 245(a)(1)	Mid / 3 yrs	PC 148(a)(1)	3 yrs	6 MOSC/T
2	M	PC 148(a)(1)	PC 148(a)(1)	PC 148(a)(1)	3 yrs	6 MOSC/T

Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Total

607 (X) 10 yrs / PC 148(a)(1) 3 yrs / PC 148(a)(1) 1 yr

\$ = 346 ACT + 172 PC4019 PC2933.1 = 518 TOTAL DAYS TOTAL TERM 20 yrs CDC

Straight time ☐ In Camp ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec ☐ All / Except ☐ EMP/PSP/WF/ERP/DRP/Co Parole/NP

☐ Sent Deemed Served ☐ Rpt to Local Parole ☒ Adv of 5 Yrs Parole/Appeal Rights ☐ Consec ☐ Conc to

Bal CJ Susp ☐ All but \_\_\_\_\_ Hrs/Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MOTUWE/TH/FR/SA/SU

☐ Pre-process ☐ AM/PM ☒ Stay / Surrender / Transport to May 18, 2005 ☐ AM/PM or Sooner

REMANDED-BAIL \$ \_\_\_\_\_ ☐ NO BAIL ☒ COMMITTED ☐ RELEASED ☐ OR ☐ SORP ☐ DOC TO CONTACT JAC FOR ASSM'T ☐ P36

☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL ☐ UPON AVAIL BED

IONISF TO APPEAR: I will appear at all times and places as ordered by the Court, and have read and understand all conditions set forth on the reverse side.

ROBERT VENTURA V. 80485

CSP- CORCORAN SHU 4A-3L-41L

P.O. BOX 3476

CORCORAN CA 93212-3476

IN PROPRIA PERSONA.

**S162926**

SUPREME COURT

**FILED** with  
permission

APR 23 2008

IN THE CALIFORNIA SUPREME COURT. Frederick K. Ohlrich Clerk

DEPUTY

Robert Ventura

Petitioner.

V.

People of the State of California  
Respondent.

No. Hs32716 / CC 455119.

Motion For Order For Typewritten  
Transcripts Of 1984 Case, Present Case  
Of Sentencing Hearing, Two Marsden  
Separate Hearings, Probation Report, And  
For Clerk's Transcripts To Consist Of  
Minutes Orders, Abstract Of Judgment,  
Commitment Order, etc. Points And  
Authorities And Declarations.

To THE Honorable Presiding Judge Or Designate: Now Comes,  
Petitioner AND Ex Parte Movant. In Forma Pauperis.,  
IN PROPRIA PERSONA, AND Respectfully Moves This Honorable Court  
For its Order For the Preparation of (A) THE Clerk's Transcripts  
ON APPEAL, to Contain THE Required AND /or Specified Copies  
delimited in Rule 33(A)(1)(A)(K) OF THE CALIFORNIA Rules OF  
Court, Pertinent to the instant APPEAL, And 1989 CASE'S No.  
\*128369 AND CASE No. \*117912.. Plea Bargain Contract.. IN Santa  
Clara County Superior Court. (b) THE Reporter's Transcripts ON  
APPEAL, to Contain the Required AND /or Specified typewritten  
Transcripts OF THE Proceedings delimited in Rule 33 (A)(2)(A)-(C) OF  
THE CALIFORNIA Rules OF Court, Pertinent Provisions THEREOF, AND THE  
Following, Additional Hearings / Proceedings Pertinent to the  
APPEAL,, IN Santa Clara County Superior Court No. CC455119. On

**COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA - SIXTH APP. DIST.

SIXTH APPELLATE DISTRICT

**FILED**

MAR 24 2008

MICHAEL J. YERLEY, Clerk

By \_\_\_\_\_ DEPUTY

In re ROBERT VENTURA,  
on Habeas Corpus.

H032716  
(Santa Clara County  
Super. Ct. No. CC455119)

BY THE COURT:

The petition for writ of habeas corpus is denied.

*Transcripts  
Denied*

(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,  
participated in this decision.)

Dated MAR 24 2008

BAMATTRE-MANOUKIAN, J.

Acting P.J.

MARY JAMESON  
AUTOMATIC APPEALS SUPERVISOR  
JORGE NAVARRETE  
SUPERVISING DEPUTY CLERK  
SAN FRANCISCO  
—  
NATALIE ROBINSON  
SUPERVISING DEPUTY CLERK  
LOS ANGELES



## Supreme Court of California

FREDERICK K. OHLRICH  
COURT ADMINISTRATOR AND  
CLERK OF THE SUPREME COURT

April 24, 2008

- ☐ SAN FRANCISCO 94102  
EARL WARREN BUILDING  
350 McALLISTER STREET  
(415) 865-7000
- ☐ LOS ANGELES 90013  
RONALD REAGAN BUILDING  
300 SOUTH SPRING STREET  
(213) 830-7570

Robert Ventura, CDC# V-80485  
California State Prison, Corcoran  
P. O. Box 3476  
Corcoran, Ca 93212

Re: S162926 – Ventura (Robert) on H.C. (review)

Dear Mr. Ventura:

No action may be taken on your request to appoint counsel to represent you in the above-referenced case. The court does not appoint counsel in these matters unless review is granted. Should the court issue an order granting review, you will be notified and provided with the appropriate form to assist this office with the appointment of counsel to represent you.

Very truly yours,

FREDERICK K. OHLRICH  
Court Administrator and  
Clerk of the Supreme Court

A handwritten signature in cursive script that reads "Joseph Cornetta".

By: Joseph Cornetta, Deputy Clerk

MARY JAMESON  
AUTOMATIC APPEALS SUPERVISOR  
JORGE NAVARRETE  
SUPERVISING DEPUTY CLERK  
SAN FRANCISCO  
—  
NATALIE ROBINSON  
SUPERVISING DEPUTY CLERK  
LOS ANGELES



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(213) 830-7570

April 23, 2008

Robert Ventura, CDC# V-80485  
California State Prison, Corcoran  
P. O. Box 3476  
Corcoran, Ca 93212

Re: S162926 – Ventura (Robert) on H.C. (late review)

Dear Mr. Ventura:

The court has granted permission to file the untimely petition for review and the petition was filed this date.

An answer to the petition may be served and filed on or before May 13, 2008, 20 days after the petition is filed. The answer may present additional issues desired for review if the petition for review is granted.

A reply to the answer may be filed within 10 days after filing of the answer, limited to the additional issues presented in the answer, if any.

Very truly yours,

FREDERICK K. OHLRICH  
Court Administrator and  
Clerk of the Supreme Court

A handwritten signature in cursive script, reading "Joseph Cornetta".

By: Joseph Cornetta, Deputy Clerk

Cc: Court of Appeal, Sixth Appellate District  
Attorney General, San Francisco Office



PROOF OF SERVICE BY MAIL

I, Robert E/ins Ventura, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: C.S.P - SHU - 4A-3L-41

P.O. Box 3476 Corcoran CAL. 93212-3476

RECEIVED

APR 23 2008

On APRIL 17, 2008, I delivered to prison officials for mailing, at the

above address, the attached: Motion For Counsel AND Application

FOR WAIVER OF COURT FEES AND COSTS. Supreme Court

CASE NO. ~~HD31716~~ / CC455119; Declaration; Transcripts Rule 33(A)  
Rule 35(B)

in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) Frederick K. O'HIRICH

(2) Attorney General

350 Mc Allister Street

455 Golden Gate Ave (Suite 11000)

SAN FRANCISCO CA 94102

SAN FRANCISCO, CA 94102

(3) \_\_\_\_\_

(4) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 17 day of APRIL, 2008, at California State Prison, Corcoran.

Robert Ventura  
 In Pro Per

PROOF OF SERVICE BY MAIL

RECEIVED

I, Ventura, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

APR 23 2008

CLERK SUPREME COURT

My mailing address is: Csp. SHU. 4A-3L-41  
P.O. Box 3476 Corcoran CA 93212-3476

On April 18, 2008, I delivered to prison officials for mailing, at the above address, the attached: Motion For Request For  
Extension of Court Deadline, And  
Application For Relief From Default Affidavit  
in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) Frederick K. (2) \_\_\_\_\_  
350 Mc Allister Street  
San Francisco CA  
94102

(3) \_\_\_\_\_ (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 18 day of April, 2008, at California State Prison, Corcoran.

Ventura  
In Pro Per



*Proof of Service – Mail*

**PROOF OF SERVICE**

Re: Case Number S162926

Case Title Ventura (Robert) on H.C. (review)

I hereby declare that I am a citizen of the United States, am over 18 years of age, and ~~am~~ am not a party in the above-entitled action. I am employed in ~~the~~ the County of San Francisco and my business ~~address~~ address is 350 McAllister, room 1295, San Francisco, Ca 94102

On April 23, 2008, I served the attached document described as a petition for review

on the parties in the above-named case. I did this by enclosing true copies of the document in sealed envelopes with postage fully prepaid thereon. I then placed the envelopes in a U.S. Postal Service mailbox in San Francisco, California, addressed as follows:

Office of the Attorney General  
San Francisco  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, Ca 94102

COURT OF APPEAL  
SIXTH APPELLATE DISTRICT  
333 W. SANTA CLARA ST.  
SAN JOSE, CA 95113

I, Joseph Cornetta, declare under penalty of perjury that the foregoing is true and correct.

Executed on April 23, 2008, at 350 McAllister  
San Francisco, California.

Joseph Cornetta  
Signature

S162926

1 Robert Ventura - CDCR # V80485

2 CSP-Corcoran SHU 4A 3L-3

3 P.O. Box 3476

4 Corcoran, CA. 93212-3476

5 In Propria Persona

6 IN THE CALIFORNIA SUPREME  
7 COURT

9 Robert Ventura

10 Petitioner,

12 On Habeas Corpus

NO. H032716 / NO. CC455119

REQUEST FOR APPOINTMENT

OF COUNSEL AND DECLARATION

OF INDIGENCY

15 I, Robert Ventura, declare that I am a petitioner to the above-referenced matter, that  
16 I am incarcerated at CSP-Corcoran SHU, and that I am indigent and unable to afford counsel.  
17 My total assets are \$00.00 and my income is \$00.00 per month.

18 I hereby request that counsel be appointed in this matter so that my interests may  
19 be protected by the professional assistance required. Government Code § 15421; Penal Code  
20 § 1240; Griffin v. Illinois (1956) 351 U.S. 12 [76 S.Ct. 585; 100 L.Ed. 891]; Douglas v. California  
21 (1963) 372 U.S. 353 [9 L.Ed. 2d 811]; In re Henderson (1964) 61 Cal.2d 541 [39 Cal. Rptr. 373].

22 In addition, when a court issues an order to show cause, counsel must be appointed for  
23 an indigent petitioner who request counsel. California Rules of Court, rule 4.551 (c)(2).

24 I declare under penalty of perjury that the foregoing is true and correct and that  
25 this declaration was executed on APRIL 17, 2008.

26  
27  
28  
Robert Ventura  
Petitioner

ROBERT VENTURA 11-80485  
(name) (number)

P.O. BOX 3476 4A-3L-03  
(address)

CORCORAN CA 93212  
(city) (state) (zip)

In Pro Se

IN THE CALIFORNIA SUPREME COURT  
COUNTY OF SAN FRANCISCO  
(court)

In re No. H032716 / CC 455119

ROBERT VENTURA, Request for Leave to Proceed Informa Pauperis  
(petitioner)

On Habeas Corpus

To: The Honorable Justice(s) of the above-entitled court.

I, ROBERT VENTURA, hereby declare that I am the petitioner to the above-referenced  
(name)  
matter, that I am incarcerated at CORCORAN, and that I am poor and unable to  
(prison)

afford legal counsel, fees and costs in this matter.

I declare that the foregoing is true and correct. Executed at CORCORAN, California, on  
(city)

APRIL 17, 2008  
(date)

Robert Ventura  
In Pro Se

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Robert Ventura V-80485, declare:

I am over 18 years of age and a party to this action. I am a resident of CORCORAN State  
Prison,

in the county of CORCORAN,

State of California. My prison address is: CSP-SHU. 4A-3L-03

P.O. Box 3476 CORCORAN CA 93212

On May 1 2008 (DATE)

I served the attached: Petition For writ of Habeas Corpus

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

U.S. District Court  
450 Golden Gate Ave

ATTORNEY GENERAL OFFICE  
455 Golden Gate Ave Suite 11000  
San Francisco, CA 94102

~~P.O. Box 36000~~  
San Francisco CA 94102 - 9680

I declare under penalty of perjury under the laws of the United States of America that the foregoing

is true and correct.

Executed on May 1 2008  
(DATE)

Robert Ventura  
(DECLARANT'S SIGNATURE)

ROBERT VENTURA V. 80485  
P.O. Box 3476 4A-32-03  
CORCORAN CA 93212

RECEIVED

MAY 7 2008  
RICHARD W. WIENING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



US District Court  
450 Golden Gate Ave  
San Francisco CA.  
94102

LEGAL MAIL